IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Bail Appl..No. 2184 of 2007()

CRMP.253/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.45/2006 OF SHOLAYAR POLICE STATION

.....

: PETITIONER/1ST ACCUSED

VELLINKRI, S/O RAMASWAMY, AGED 48 YEARS,
KOVIL PARAMBIL HOUSE, PETTICKAL,
SHOLAYAR VILLAGE, MANNARKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.N.NAGARESH
SRI.BINU PAUL

RESPONDENTS: COMPLAINANT

---

1. STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
AGALI POLICE CIRCLE, AGALI,
PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2184/2007

Dated this 4th day of June, 2007

O R D E R

The petitioner who is the first accused in Crime No.45/2006 of Sholayar Police Station for offences punishable under Sections 302 and 201 IPC read with Section 34 IPC seeks his enlargement on bail. The occurrence took place at about 6.00 p.m on 24.5.2006. The petitioner was arrested on 4.8.2006. His earlier bail application was dismissed by the Sessions Court, Palakkad.

2. The learned Public Prosecutor opposed the application.

3. The deceased Mallika was the sister of the petitioner's wife and also the wife of the petitioner's brother. The petitioner's brother had died earlier and the cupid eyes of the petitioner fell on Mallika with a view to appropriate her assets also. Mallika had three grown up daughters in the petitioner's brother. She was however unwilling to be the wife of the petitioner. It was this which resulted in the petitioner doing away with Mallika with the aid of his wife and

a helper who is the second accused. The petitioner had already threatened the three daughters of the deceased. They will be the prime witnesses for the prosecution during the trial.

4. Under these circumstances, if the petitioner is released on bail, he will definitely influence and intimidate the prosecution witnesses. There is also the likelihood of the petitioner making himself scarce and fleeing from justice. I am, therefore, not inclined to grant bail to the petitioner at this stage. This petition is accordingly dismissed.

5. It appears that the committal Court namely J.F.C.M, Mannarkkad where the case is now pending as C.P.No.68/2006, has not yet committed the case to Sessions Court for trial for the reason that the chemical examination report is awaited. That need not be a ground which should stand in the way of the Magistrate committing the case to the Court of Sessions. The chemical examination report, as and when received, can be forwarded to the Sessions Court who shall furnish a copy of the same to the accused before the commencement of the trial. A copy of this order shall be

forwarded to the J.F.C.M, Mannarkkad and the Sessions Court, Palakkad.

V.RAMKUMAR,
JUDGE

mrcs